IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICGTION

SUIT NO. 700 of 1987

Yahya Mohamed Ali Kohil ... Plaintiff

vs.

Mohamed Bin Hassan and ors. ... Defendants

A. H. Shukla i/b. Shukla & Shukla for plaintiff
P. V. Shah for defendants

CORAM: **A. S. AGUIAR J.**

Date: 14/2/2005

P.C.

Learned advocate for defendants state that defendant no.2 , partner of defendant no.1 has expired on 6th December 1902 but despite communication of this fact to advocate for plaintiff no steps are taken to bring the legal heirs of deceased defendant no.2 on record. Thus suit against defendant no.2 stands abated. Since defendant no.2 has expired, defendant no.1 firm stands automatically dissolved and is non existent.

So far as defendant no.3 is concerned Learned advocate for defendant states that he has no instructions despite letter 29th

January, 2005, written by him. Defendant no.3 has not filed any written statement. Letter dated 29th January 2005 taken on record.

In the circumstances there will be a decree under Order VIII Rule 10 in terms of prayer clauses (a) the of the plaint, in favour of the plaintiff, against defendant no.3.

Suit stands disposed of with no order as to costs.

C. C. expedited.

(A. S. AGUIAR J.)

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